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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA :

- v. - :

MONZER AL KASSAR, :
a/k/a "Abu Munawar"
a/k/a "El Taous," :

Defendant. :

- x

PRELIMINARY ORDER OF FORFEITURE

S3 07 Cr. 354 (JSR)

WHEREAS, on June 21, 2007, MONZER AL KASSAR ("AL KASSAR"), among others, was charged in a five-count Superseding Indictment, S3 07 Cr. 354 (JSR) (the "Indictment"), that included one count of conspiring to kill United States nationals, in violation of 18 U.S.C. §§ 2332(b) and 3238 (Count One); one count of conspiring to kill U.S. officers and employees, in violation of 18 U.S.C. §§ 1114, 1117, and 3238 (Count Two); one count of conspiring to acquire and use anti-aircraft missiles, in violation of 18 U.S.C. §§ 2332g(a)(1), (b)(4), and 3238 (Count Three); and one count of conspiring to provide material support or resources to a foreign terrorist organization, in violation of 18 U.S.C. §§ 2339B(a)(1), (d)(1)(E)), and 3238 (Count Four); and

WHEREAS, the Indictment contained a forfeiture allegation, pursuant to 18 U.S.C. § 981(a)(1)(G) and 28 U.S.C. § 2461(c), seeking criminal forfeiture of (1) all right, title, and interest in all assets, foreign and domestic, of AL KASSAR as an individual engaged in planning and perpetrating a Federal crime of terrorism against the United States, citizens and residents of the United States, and their property; and (2) all right, title, and interest of AL KASSAR in all assets, foreign and domestic, derived from, involved in, or used or intended to be used to commit a Federal crime of terrorism against the United States, citizens and residents of the United States, and their property, including but not limited to the following:

(a) An estate located at Palacio Mifadil, Atalaya de Rio Verde, # 4 Marbella, Spain;

(b) All funds on deposit in bank account number 3058 0844 03 2761 001546, in the name of Senor Bilal Hussain, at Banco Caja Mar, Avda. Ricardo Soriano 25, 29600 Marbella (Malaga), España, IBAN ES 84 3058 0844 03276100 1546, with SWIFT Code CCRIES2A;

(c) All funds on deposit in bank account number 390208, in the name of Mr. Bilal K. Hussain, at the Bank of Beirut S.A.L., Chtoura Branch, Lebanon, with SWIFT Code BABELBBE; and

(d) All funds on deposit in bank account number 3058 0844 03 2799 000409, in the name of Senor Bilal Hussain, at Banco Caja Mar, Avda. Ricardo Soriano 25, 29600 Marbella (Malaga), España, IBAN ES 84 3058 0844 03276100 1546, with SWIFT Code CCRIES2A;

(the interests listed at (1) and (2)(a)-(d) above are collectively referred to as the "Subject Property"); and

WHEREAS, on November 20, 2008, AL KASSAR was convicted of, among other charges, Counts One through Four of the Indictment following a jury trial; and

WHEREAS, pursuant to Fed. R. Crim. P. 32.2(b)(3), this Preliminary Order of Forfeiture shall become final as to AL KASSAR at the time of sentencing and shall be made part of the sentence and included in the judgment; and

WHEREAS, on February 24, 2009, AL KASSAR was sentenced, and as part of his sentence was ordered to forfeit all right, title, and interest in the Subject Property; and

WHEREAS, pursuant to 21 U.S.C. § 853(g), the United States is, by virtue of conviction and sentence, now entitled, pending any assertion of third-party claims, to reduce the Subject Property to its possession and to notify any and all potential purchasers and transferees thereof of its interest therein;

NOW, THEREFORE, IT IS ORDERED, ADJUDGED AND DECREED THAT:

1. As a result of the offenses charged in Counts One through Four of the Indictment, of which AL KASSAR has been convicted, AL KASSAR shall forfeit the Subject Property, that is, (a) all of his assets, foreign and domestic, and (b) all assets, foreign and domestic, derived from, involved in, or used or intended to be used to commit a Federal crime of terrorism against the United States, citizens and residents of the United States, and their property, referred to herein as the Subject Property.

2. AL KASSAR's right, title, and interest in the Subject Property is hereby forfeited to the United States for disposition in accordance with the law, subject to the provisions of Title 21 U.S.C. § 853(n).

3. The aforementioned Subject Property is to be held by the United States Marshal's Service in its secure custody and control.

4. Pursuant to Rule G(4)(a) of the Supplemental Rules for Certain Admiralty and Maritime Claims and Asset Forfeiture Actions, the United States is permitted to publish forfeiture notices on the government internet site, www.forfeiture.gov, which incorporates the forfeiture notices that have been traditionally published in newspapers. The United States forthwith shall publish the internet ad for at least 30 consecutive days. Any person, other than the defendants in this case, claiming interest in the Subject Property must file a petition within 60 days from the first day of publication of the Notice on this official government internet site, or no later than 35 days from the mailing of actual notice, whichever is earlier, pursuant to Rule G(5) of the Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions. The petition shall be signed by the petitioner under penalty of perjury and shall set forth the nature and extent of the petitioner's right, title or interest in the Subject Property, the time and circumstances of the petitioner's acquisition of the right, title and interest in the Subject Property and any additional facts supporting the petitioner's claim and the relief sought, pursuant to 21 U.S.C. § 853(n).

5. The United States may also, to the extent practicable, provide direct written notice to any person known to have an alleged interest in the assets to be forfeited, which are the subject of this Preliminary Order of Forfeiture.

6. Pursuant to Rule 32.2(b)(3) of the Federal Rules of Criminal Procedure, upon entry of this Preliminary Order of Forfeiture, the United States

Attorney's Office is authorized to conduct any discovery needed to identify, locate, or dispose of the property, including depositions, interrogatories, requests for production of documents and to issue subpoenas, pursuant to Rule 45 of the Federal Rules of Civil Procedure.

7. Upon adjudication of all third-party interests, this Court will enter a Final Order of Forfeiture pursuant to 21 U.S.C. § 853(n), in which all interests will be addressed.

8. The Court shall retain jurisdiction to enforce this Order, and to amend it as necessary, pursuant to Fed. R. Crim. P. 32.2(e).

9. The Clerk is hereby directed to send four certified copies of this Order to AUSA Amy Lester at the U.S. Attorney's Office for the Southern District of New York, One St. Andrew's Plaza, New York, NY 10007.

Dated: New York, New York
February 24, 2009

SO ORDERED:

HONORABLE JED S. RAKOFF
UNITED STATES DISTRICT JUDGE